

RESOLUTION NO. 11/12-16

CITY OF DAYTON, OREGON

Title: A Resolution Adopting Amendment #5 to Resolution #04/05-31, A Resolution Adopting City Council Rules

WHEREAS, on May 2, 2005, the Dayton City Council adopted Resolution #04/05-31, "A Resolution Adopting City Council Rules" (hereinafter called "Rules") and subsequently amended same by Resolution #05/06-14, adopted March 6, 2006; by Resolution #06/07-28 adopted March 5, 2007; and by Resolution #07/08-26 adopted March 3, 2008; and by Resolution 10/11-13 adopted November 1, 2010; and

WHEREAS, pursuant to Section 1.1 of the Rules, Council has conducted its biennial review and desires to amend various language;

The City of Dayton resolves as follows:

- 1) **THAT** the City Council hereby adopts the language modifications to the Rules outlined in Exhibit A, attached hereto and made a part hereof; and
- 2) **THAT** this resolution shall become effective immediately upon adoption.

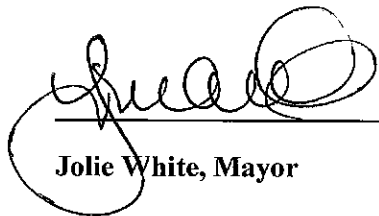
ADOPTED this 13th day of **February 2012**

In Favor: Blackburn, Evers, Frank, Utt, White, Witt, Wytoski

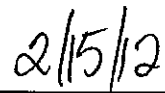
Opposed: None

Absent: None

Abstained: None

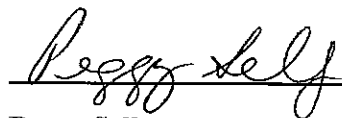


Jolie White, Mayor

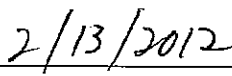


Date of Signing

ATTESTED BY:



Peggy Selberg



Date of Enactment

City Recorder

Attachment – Exhibit A

**CITY OF DAYTON, OREGON
City Council Rules**

Section 1. AUTHORITY.

- 1.1** City Charter Section 10 provides that the Council must, by resolution, adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments to the rules will be made by majority vote. The Council will have clear and simple procedures for considering agenda matters. Council rules are not intended to replace or supersede applicable federal or state laws, the City Charter or City ordinances.

Section 2. DEFINITIONS. As used in these Rules, the following mean:

- **City Committees:** All City committees, commissions, task forces, and advisory bodies.
- **Council and Council members:** The Mayor, the Council President, and the Councilors.
- **Councilors:** The Council President and the Councilors.

Section 3. COUNCIL MEETINGS.

3.1 Council Meetings. *(As amended by Resolution #07/08-26, 03/03/08)*

- A. Regular Council meetings will be held at the City Hall Annex on the first Monday of each month for the purpose of conducting business or developing policy. All other Council meetings are "special" meetings. Normally, work sessions will be conducted on the third Monday of a month.
- B. Council business meetings will normally begin at 6:30 p.m. and adjourn no later than 10 p.m. Work session meetings will normally begin at 6:30 p.m. and adjourn no later than 10 p.m. For any meeting to continue past the normal adjournment time, a majority of the Council members present at the meeting must agree.
- C. If possible, only one or two major topics (defined as issues of special interest, controversial, or difficult) will be scheduled per meeting.

3.2 Work Sessions.

- A. Work session meetings will be informal to review programs, receive progress reports on programs, projects, committees, or other information from the City Manager.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; #07/08-26, 03/03/08; & #10/11-13, 11/01/10, 11/12-17

- B. Decisions will be made at policy development meetings when appropriate. Each agenda shall contain a segment that is reserved for the Mayor and Councilors to comment on ideas, exchange information, and make announcements.

3.3 Special or Emergency Meetings. *(As amended by Resolution #07/08-26, 03/03/08)*

A. Special Meetings *(As amended by Resolution #07/08-26, 03/03/08)*

Special meetings may be held on any evening. Special meetings may be called by the Mayor or upon the request of three Councilors. A minimum of 24 hours notice is required. Required notifications will be given in accordance with the Attorney General's Public Records and Meetings Manual.

B. Emergency Meetings *(As amended by Resolution #07/08-26, 03/03/08)*

An "emergency meeting" is a special meeting called on less than 24 hours' notice. An "actual emergency" must exist, and the minutes of the meeting must describe the emergency justifying less than 24 hours notice. City staff will attempt to contact the media and other interested persons to inform them of the meeting. Emergency meetings may be held on any evening and may be called by the Mayor, or in his/her absence, the Council President.

3.4 Executive Session.

- A. An executive session (meeting closed to the general public) must be held in accordance with the terms of Oregon's Public Meetings Law (ORS 192.610 to ORS 192.690). Executive sessions may be held during regular or special meetings provided relevant statutory limitations are met.
- B. No formal decisions can be taken during an executive session. When the Council reconvenes in open session, formal action may be taken. Only the Council, City Attorney, specific staff members and news media representatives can attend. Members of the press must be told that they may not report the substance of an executive session.
- C. When an executive session precedes a regular meeting, there will be an interval between the adjournment of the first session and the start of the regular meeting.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; & #07/08-26, 03/03/08

- D. Media representatives are allowed to attend Council executive sessions subject to the understanding that information from such meetings that consider proper executive session subjects will not be reported.
- E. The Council needs to specify that executive session information may not be reported. If it does not so specify, the proceedings may be reported. The public meetings law allows the general subject of the discussion to be disclosed.

3.5 Minutes. Only the Mayor and Councilors have the authority to make revisions to the minutes subject to a majority vote of the Council. If a citizen wishes to suggest a modification or revision, the request must be made through the Mayor or a Councilor.

3.6 Telephonic/Electronic Meetings. Council members may participate in Council meetings by telephone. The provisions of the Oregon state statutes governing public meetings apply. All Council members, whether attending the meeting in person or by telephonic means have the same voting rights.

3.7 Attendance. Councilors will inform the Mayor if they are unable to attend any Council meeting. Lack of notification will constitute an unexcused absence. The Mayor will inform the Council President and City Manager of any absence of the Mayor.

Section 4. AGENDA.

4.1 The Mayor or a Council representative may work with the City Manager to provide input for scheduling agenda items. The agenda headings will generally be as follows: *(As amended by Resolution #05/06-14, 03-06-06 & #06/07-28, 03/05/07)*

- **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
- **ROLL CALL**
- **PUBLIC HEARING (when scheduled)**
- **APPEARANCE OF INTERESTED CITIZENS** (on any topic except a public hearing held that night)
- **CONSENT AGENDA** (any item may be removed from the Consent Agenda for discussion at the request of a Councilor)
- **ACTION ITEMS**
- **CITY COUNCIL COMMENTS/CONCERNS**
- **INFORMATION REPORTS**
 - **City Manager Report**
 - **City Attorney Report**
- **ADJOURN**

4.2 Preparation.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; #07/08-26, 03/03/08; & #10/11-13, 11/01/10, 11/12-17

- A. The Manager will prepare an agenda for each Council meeting specifying the time and place of the meeting, and a brief general description of each item to be considered by the Council.
- B. The Manager will adopt a format for agenda cover sheets.
- C. Agenda materials will generally be available to the Council, media, and public a minimum of three calendar days before regular Council meetings.

4.3 Scheduling.

- A. The Mayor or a Councilor will meet with the Manager to determine scheduling of agenda items.
- B. Citizen comments will be scheduled for all Council public meetings. Citizen and Community Group sign-up forms will be available at each meeting.
- C. Items may be placed on the Council agendas by any of the following methods: (i) vote of Council; (ii) any Councilor by advising the Mayor or Manager; (iii) the Mayor, or (iv) the Manager or Attorney.
- D. An item may be placed on the Council agenda after the agenda is printed and the notice published if the Mayor, Councilor, or Manager explains the necessity and receives Council consent. The Manager will notify the media and any known interested citizens as soon as possible after receiving information about proposed agenda additions.
- E. Agenda items that are continued from one meeting to another will have preference on the subsequent agenda.
- F. With the consent of the Council, the Mayor may consider agenda items out of order.

Section 5. COUNCIL DISCUSSIONS AND DECORUM.

- 5.1 Council should conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.
- 5.2 Councilors will assist the Presiding Officer to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues then under discussion and not:

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; & #07/08-26, 03/03/08

- engage in personal attacks; or
- impugn the motives of any speaker.

5.3 The following ground rules should be followed in order to maintain order and decorum during Council discussions:

- A. Council members should gather necessary information and have questions answered from staff before a meeting.
- B. Council members should speak for themselves and not for other Council members.
- C. Council members should not state they represent the Council, unless they have been asked by Council to be do so.
- D. During public meetings, Council members should not attempt to edit or rewrite prepared ordinances. Amendments to an ordinance may be appropriate and input from the City Manager or the City Attorney should be sought as to how best accomplish the Council member's objective.
- E. Council should be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
- F. Council should focus on City issues and avoid becoming involved in "extra-territorial" issues.
- G. Council should give all members an opportunity to express their views on the issues before Council.
- H. Council should avoid disguising a statement as a question or using repetition as a way to convince others.
- I. Council should keep the discussion moving, and call for a "process check" if the Council becomes bogged down in discussions.
- J. Council should set time limits on discussions and adhere to them.
- K. If a Council member wishes to discuss a major policy issue, it should be scheduled on a future agenda and not raised as addendum to current agenda items.

5.4 Public Comment.

- A. Citizen and community group sign-up forms will be available at each meeting. At the time on the agenda designated for public comment, and

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during any public hearing, any member of the public desiring to address the Mayor and Council shall first request to be recognized by the Presiding Officer and then state his or her name and address for the record. If necessary, the Council may limit comments to three minutes. The Council may request that groups with like comments choose a spokesperson to present their joint remarks.

- B. During public hearings, all public comment should be directed to the question under discussion and addressed to the Presiding Officer representing the Council as a whole.
- C. In general, Council will not respond to any comment made during the time on the agenda for public comment, except to ask clarifying questions. Any Council comments should be held until the time on the agenda reserved for Council comment.

Section 6. MOTIONS.

6.1 General. *(as amended by resolution 11/12-16)*

- A. Council members should clearly and concisely state their motions. The Mayor will state the name of the Council member who made the motion and the Council member who made the second. The Mayor may make a motion or a second, provided that he or she first designates the Council President or, in his or her absence or inability to act, a senior member of the Council as the presiding officer during consideration of the matter.
- B. *If so requested*, the motion maker, Mayor, or Manager should repeat the motion prior to voting.
- C. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.
- D. The Mayor will ask for a voice vote for all final decisions. The City Recorder will maintain a record of the votes. Any Council member may request an oral roll call vote on any decision.
- E. At the conclusion of any vote, the Mayor will announce the results.

6.2 Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.

6.3 Tie. A motion that receives a tie vote fails.

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6.4 Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the matter may be taken from the table only by adding it to a future agenda at which time discussion may continue.

6.5 Postpone.

A. A motion to postpone to a certain time is debatable and amendable. The matter may be considered later at the same meeting or at a future meeting.

B. A motion to postpone indefinitely is debatable and is not amendable. It may be reconsidered at the same meeting only if approved by an affirmative vote. This motion is not to postpone, but to reject the matter without a direct vote.

6.6 Call for Question. A motion to call for the question ends debate on the matter and is not debatable. A second is required for this motion and it fails without a two-thirds' vote. Debate may continue if the motion fails.

6.7 Amendment.

A. A motion to amend may be made to a previous motion that has been seconded but not voted on. An amendment is made by adding, striking out, or substituting words.

B. Motions to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration, and take from the table may not be amended.

C. Amendments are voted on first, then the main motion as amended.

6.8 Reconsideration. When a question has been decided, any Council member who voted in the majority may move for reconsideration. The motion for reconsideration must be made before adjournment of the meeting in which final action on the ordinance, resolution, order or other decision was taken.

Section 7. COUNCIL CONDUCT.

7.1 Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state: 1) whether the statement reflects personal opinion or is the official position of the City; 2) whether the statement is supported by a majority of the Council. If the Council member is representing the City, the Council member must support and advocate for the official City position on the issue rather than a personal viewpoint.

7.2 Censure.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; #07/08-26, 03/03/08; & #10/11-13, 11/01/10, 11/12-17

- A. The Council may make and enforce its own rules and ensure compliance with City and state laws applicable to governing bodies. Should any Council member act in any manner constituting a substantial violation of these rules or state law, the Council may take action to protect Council integrity and discipline that Councilor to the extent of a public reprimand.
- B. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.
- C. Unless required by law, no Council member may make public the discussions or information obtained in executive session.

Section 8. CONFIDENTIALITY.

- 8.1 Council will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.
- 8.2 If the Council in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
- 8.3 All public statements, information or press releases relating to a confidential matter should be handled by designated staff or a designated member of Council.
- 8.4 The Council may censure a member who discloses a confidential matter or otherwise violates the terms of these rules.

Section 9. COMMUNICATION WITH STAFF.

- 9.1 Council will respect the separation between policy-making (Council function) and administration (City Manager function) by:
 - A. Working with the staff as a team with in a spirit of mutual respect and support.
 - B. Except in a Council meetings, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts and/or the selection of consultants, the processing of

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development applications or granting of City licenses and permits. However, the sharing of ideas on these matters is appropriate.

- C. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.
- D. Except in a Council meeting, staff will not attempt to influence individual Council members concerning City business.
- E. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.

9.2 All written informational material requested by individual members of Council will be submitted by staff to the entire Council with a notation indicating who requested the information.

9.3 The Presiding Officer will refer any comments or questions regarding city personnel or administration to the City Manager. The Presiding Officer may redirect other questions to a Council member or the City Manager, as appropriate. Councilors may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so

Section 10. MINUTES.

10.1 Minutes shall be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing the following information at a minimum:

- The name of Council members and staff present;
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- The result of all votes, including ayes and nays and the names of the Council members who voted.
- The substance of the discussion on any matter.
- Reference to any document discussed at the meeting.

10.2 The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, the Council member should read and submit any changes, additions or corrections to the City Manager so that a corrected copy can be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.

Section 11. ADJOURNMENT.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; #07/08-26, 03/03/08; & #10/11-13, 11/01/10, 11/12-17

- 11.1 Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment may be for a period longer than until the next regular meeting.
- 11.2 Upon the request of two or more Council members a short break may be taken.
- 11.3 A motion to adjourn will be in order at any time except as follows:
- When made as an interruption of a member while speaking; or
 - While a vote is being taken.

Section 12. BIAS AND DISQUALIFICATION.

- 12.1 Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Such challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member cannot participate and make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Presiding Officer will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
- 12.2 In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether they can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, they have a duty to disqualify themselves from participating in proceedings and leave the Council table.
- 12.3 If the City Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
- 12.4 Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a

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business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

Section 13. EX PARTE CONTACTS AND DISQUALIFICATION.

- 13.1** For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive.
- 13.2** If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and prior to the hearing. The Council member shall describe the substance of the contact and the Presiding Officer shall announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether he or she will participate or abstain.
- 13.3** For quasi-judicial hearings, a Council member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidence and testimony received.

Section 14. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING.

- 14.1** Council members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
- 14.2** Council members shall give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
- 14.3** In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission.

Section 15. LEGAL ADVICE.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; #07/08-26, 03/03/08; & #10/11-13, 11/01/10, 11/12-17

- 15.1** Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests.

Section 16. ROBERT'S RULES.

- 16.1** Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's Rules are provided in these rules.

Section 17. COMMITTEES, ORGANIZATIONS & MEDIA.

17.1 Citizen Appointment and Removal.

- A. The Mayor will appoint the City committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
- B. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.
- C. A citizen may not serve on more than two City committees simultaneously. Any citizen serving on two City committees may not be chairperson of both City committees simultaneously.
- D. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.

- 17.2 Council Member Participation.** Council members shall encourage City committee member participation.

17.3 Councilor Liaison.

- A. The Mayor will appoint Councilors to liaison positions on any or all City committees, including ad hoc or limited term committees, as the Mayor deems necessary.
- B. Councilors, while present at a City committee meeting as liaison to the City committee, will not vote on any issue before the committee.

17.4 Organizations, Media.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; & #07/08-26, 03/03/08

- A. If the Mayor or a Councilor represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that he or she does not express the Council position.
- B. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

SECTION 18. MANAGER EVALUATION PROCESS.

- 18.1 **Criteria.** The standards, criteria, and policy directives used in the evaluation of the Manager will be adopted at a regular Council meeting in accordance with state law.
- 18.2 **Form.** *(As amended by Resolution #07/08-26, 03/03/08)*
 - A. Council members and the Manager will mutually agree on the form of the annual evaluation.

SECTION 19. COUNCIL EXPENSES

- 19.1 **Reimbursement.** Council will follow the same rules and procedures for reimbursement as City employees.
- 19.2 **Budget.** Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by City staff during a public meeting.
- 19.3 **Guests.** Under Oregon Government Standards and Practices Commission rules, expenses for one guest per Councilor will be covered for attendance at official City functions.

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